

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERICA VASCONCELLOS, :
Plaintiff, : 12 Civ. 8445 (CM) (HBP)
-against- :
ORDER
CITY OF NEW YORK, :
Defendant. :
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PITMAN, United States Magistrate Judge:

Oral argument having been held on this matter on October 15, 2014, during which several discovery disputes were discussed, for the reasons stated on the record in open court, it is hereby ORDERED that:

1. If she has not already done so, Ms. Erica Vasconcellos is to promptly provide defendant's counsel with releases executed by her for: (1) Dashawn Vasconcellos' medical records in the possession, custody or control of Jamaica Hospital; (2) Dashawn Vasconcellos' medical records in the possession, custody or control of the Fire Department City of New York and (3) Dashawn Vasconcellos' other medical records regarding both physical and mental conditions.

2. Defendant's request for documents relating to plaintiff's damages is denied, based on plaintiff's counsel's representation that there are no such documents. Counsel are reminded that pursuant to Fed.R.Civ.P. 37(c) (1), a party is not ordinarily permitted to use documents or witnesses to support a claim or defense unless disclosed pursuant to Fed.R.Civ.P 26(a) (1) or otherwise disclosed.

3. Defendant's request for a release for Dashawn Vasconcellos' arrest records is granted in part and denied in part. Plaintiff is to provide defendant with a complete release for all documents concerning any arrest involving a firearms charge. In the event that there is such an arrest, defendant's counsel is to provide promptly any documents it obtains concerning such an arrest to plaintiff's counsel. Defendant's application for a release of arrest records is denied in all other respects.

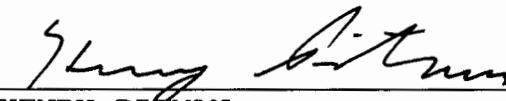
4. Defendant's request for Erica Vasconcellos' arrest and conviction records is denied.

5. Defendant's request for a release for Dashawn Vasconcellos' high school records is denied.

6. Based on plaintiff's counsel's representation that his expert seeks to perform only a visual inspection (perhaps aided by a microscope or other device that will provide visual magnification) of the ballistics evidence in this case that will not alter the evidence, plaintiff's request for inspection of the bullets and bullet fragments recovered in this case is granted. Plaintiff's counsel may remove the bullets and fragments from any packaging to perform his inspection. Counsel are directed to work together to arrange a mutually convenient date and time for the inspection of the evidence at plaintiff's expert's facility. Defendant may have a representative present to maintain the chain of custody of the evidence. If counsel cannot resolve the details concerning the inspection, they are directed to contact my chambers promptly.

Dated: New York, New York
October 17, 2014

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

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